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Final Report



Parliamentary Elections

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Democratic Republic of Timor-Leste

FINAL REPORT

PARLIAMENTARY ELECTIONS

21 May 2023

EUROPEAN UNION ELECTION EXPERT MISSION

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ACRONYMS

AJTL – Timor-Leste Journalists Association
ANFREL – Asian Network for Free Elections
CEDAW – Convention on the Elimination of all Forms of Discrimination against Women
CERD – Convention on the Elimination of all Forms of Racial Discrimination
CASDT - *Centro Acção Social Democrata Timorese*
CNE – National Elections Commission
CNRT – *Congresso Nacional de Reconstrução de Timor*
CRPD – Convention on the Rights of Persons with Disabilities
EEM – Election Expert Mission
EMB – Electoral Management Body
EOM – Election Observation Mission
EU – European Union
EUR – Euros
FM – *Frenti-Mudança*
FONGTIL – *Forum das Organizações Não Governamentais*
FRETILIN – *Frente Revolucionária de Timor-Leste Independente*
GMN – *Grupo Media Nacional*
ICCPR – International Covenant on Civil and Political Rights
ICESC – International Covenant on Economic, Social and Cultural Rights
IFES – International Foundation for Electoral Systems
International IDEA – International Institute for Elections and Democracy Assistance
KHUNTO – *Partidu Kmanek Haburas Unidade Nasional Timor Oan*
MAE - Ministry of State Administration
OCV – Out-of-country voting
OIPAS – *Observatório da Igreja para os Assuntos Sociais*
PD – *Partido Democrático*
PDHJ – *Provedoria dos Direitos Humanos e Justiça*
PLP – *Partido Libertação Popular*
PNTL – *Polícia Nacional Timor-Leste*
PTTL – *Partido Trabalhista Timor-Leste*
PUDD – *Partido Unidade Desenvolvimento Democrático*
PVT – *Partido Os Verdes de Timor*
RAEOA – Special Administrative Region of Oecuse-Ambeno
RENETIL – *Resistência Nacional dos Estudantes de Timor-Leste*
RHTO – *Pa'es Hadomi Timor Oan*
RTTL – *Rádio-Televisão Timor-Leste*
ROJAE /CPLP – *Network of Jurisdictional Bodies and Electoral Administration of Portuguese-Speaking Countries*
SECOM – State Secretary for Social Communications
STAE – Technical Secretariat for Electoral Administration
UNCAC – United Nations Convention against Corruption
UNHCR – United Nations Human Rights Council
UDT – *União Democrática Timorese*
UNDP – United Nations Development Programme
USD – United States Dollars

I. Executive Summary

In the 2023 parliamentary elections, the Timorese determined who would serve in the country's 65-seat National Parliament for the next five-year term. In a competitive but peaceful political environment, the electoral process was overall credible and transparent, and concluded successfully in the decisive verdict of Timorese voters. These were the fifth legislative elections since Timor-Leste's independence in 2002. There were 890,145 registered voters for these legislative polls, including out-of-country voting.

Elections took place in a polarised environment with longstanding tensions between the two largest parties and main political rivals – *Frente Revolucionária de Timor-Leste Independente* (FRETILIN) led by Mari Alkatiri and *Congresso Nacional de Reconstrução de Timor* (CNRT) led by Xanana Gusmão. A total of seventeen political parties competed. The competition culminated in voters rejecting continued governance by the FRETILIN-led coalition and opted to return resistance fighter Xanana Gusmão to lead the next government. The results gave CNRT 31 seats, just shy of the 33 required for an absolute majority. *Partido Democrático* (PD), with 6 seats, will likely join forces with CNRT to govern the country.

The legal framework provides a basis for democratic, competitive and credible elections while respecting fundamental freedoms. Nonetheless, the framework is dispersed across a number of different laws that are not organised coherently, in part due to the successive *ad hoc* introduction of amendments to laws and regulations ahead of each election without conducting a systematic review of the laws. This gives rise to ambiguities including the scope of the National Elections Commission (CNE) oversight responsibility over voter registration, political finance, and the media.

Stakeholders expressed confidence in the professionalism, experience, efficiency, and independence of the election management bodies. The *Secretariado Técnico de Administração Eleitoral* (STAE) ensured an adequate and timely completion of each stage in the electoral process, and key stakeholders were satisfied with the CNE supervision of the polls. Publication by the STAE of all polling centre results forms on a centralised website, and publication of all CNE plenary deliberations would be in line with good international practice and would lend a further layer of transparency.

The campaign demonstrated genuine competition among key contestants, in which the freedoms of expression, assembly, and association were well respected. Overall, the atmosphere was peaceful, with only a few skirmishes between supporters. Running on similar political platforms aimed at promoting education, employment and opportunities for youth, CNRT proposed to tackle social issues through private sector development, while FRETILIN promoted its track record of governing the country.

The legal framework for campaign finance lacks transparency, with gaps in the legislation concerning donations. The payment of campaign subsidies by the government after the elections lacks certainty, giving this procedure an arbitrary nature.

Timor-Leste has a varied media landscape which allowed for diverse editorial policies and programming. The Press Council played a supportive role, engaging journalists in training initiatives, and monitoring during the campaign period for breaches of the ethical code of conduct for journalists. There was daily coverage of campaign activities on the public broadcaster during primetime hours, providing an overview of the diverse political offerings. Despite the strong presence of media, European Union Election Expert Mission (EU EEM) interlocutors shared their view that the media contribution lacked content diversity and meaningful analysis.

No coalitions and seventeen political parties were approved to compete in these elections. The Court

of Appeal rejected three coalition submissions, reasoning that a political party in each of the coalitions had either not participated in an election during the previous five years or had not properly approved its participation in the coalition. The Court also rejected two candidate lists presented by competing factions within the same party – *Frenti Mudança* – as the legal framework does not allow a party to submit more than one list. Parties were allowed until up to 21 days before election day to make substitutions and finalise their lists, but there was no legal requirement for the final lists to be made public after this substitution period ended.

The two-member EU EEM was not mandated to undertake a systematic observation of election day activities, but did visit several polling centres across Dili and tabulation centres in Dili and Gleno. Election day had a high voter turnout and took place in a calm and organised environment, with only minor incidents. Polling and counting processes were conducted professionally, and half the poll workers were women and many were youth. Tabulation of results was well-implemented with progressive results being made public throughout the process. The presence of a large number of party agents and observers lent a positive transparency measure. The legal framework provided that results were posted outside polling and tabulation centres, with party agents receiving a copy.

Official election results indicated that Xanana Gusmão's CNRT was the clear winner, coming up just shy of an absolute majority. The CNRT polled 288,289 votes (41.63 per cent) which translated into 31 seats. Polling second was FRETILIN with 178,338 votes (25.75 per cent) and 19 seats, followed by PD, KHUNTO, and PLP, obtaining 64,517 (9.32 per cent, 6 seats), 52,031 (7.51 per cent, 5 seats), and 40,720 (5.88 per cent, 4 seats), respectively. The remaining 12 political parties obtained below the four per cent threshold to access seat allocation. As such, the new parliament will have five party benches instead of the previous eight. The participation rate almost reached 80 per cent.

The EU EEM identified shortcomings which merit attention to improve future electoral processes in Timor-Leste. The following priority recommendations are offered for consideration and action to the National Parliament, Government, CNE, and STAE. A detailed table of recommendations can be found in the final chapter of this report.

- 1. Consolidate all electoral legislation into a consistent and unified Electoral Code, with accompanying electoral regulations, available in Portuguese and Tetum.*
- 2. Undertake legal reform, including introduction of regulations, early enough in the electoral cycle to provide stakeholders time to understand and prepare for the new rules.*
- 3. Consult the CNE in a consistent and systematic manner when preparing the regulatory framework for elections.*
- 4. Strengthen campaign finance oversight by giving the CNE a clear competency in this field and empower this body to take a more assertive and proactive role.*
- 5. Review campaign finance rules and reporting requirements to strengthen equality, transparency, and accountability in the electoral process.*

II. Introduction

At the invitation of the Government of Timor-Leste and the National Elections Commission (CNE), the European Union deployed an Election Expert Mission (EU EEM) to observe the 2023 parliamentary elections. The EU EEM mandate was to assess the conduct of the electoral process in accordance with Timor-Leste's national legislation and international commitments for democratic elections. The mission was composed of two election experts who arrived in Dili on 19 April and remained in the country until the publication of election results. The EU observed Timor-Leste's elections in 2002, 2007, 2012, 2017, 2022 and sent an Election Expert Mission in 2018. On all occasions, conditions for effective and credible observation were confirmed to be in place.

This report presents a detailed assessment of the findings of the mission on the various stages of the electoral process, and includes a series of recommendations aimed at contributing to the improvement of future electoral processes. EU EEMs are independent in their findings and conclusions.

III. Implementation of previous EU recommendations

Most 2022 EU EOM recommendations were not implemented, but key recommendations still hold, including the need to consolidate electoral legislation into a unified Electoral Code.

The 2022 EU EOM for presidential elections issued recommendations to improve future elections. In arriving at its recommendations, the 2022 mission took into consideration the status of implementation of recommendations made by the 2017 EU EOM for presidential and parliamentary elections and the 2018 EU EEM for early parliamentary elections.

The 2022 EU EOM for presidential elections offered 16 recommendations. One of these recommendations required legislative change and was successfully implemented by the STAE in the short interim period prior to the 2023 legislative polls. This recommendation was in relation to bringing the vote closer to the electorate by establishing polling centres in every *aldeia*. The number of polling stations and centres increased by some 23 per cent since the 2022 polls, rising to 1,850 and 1,472, respectively.

Two of the 2022 recommendations were only applicable to Law No. 15/2021 on Presidential Elections and not to Law No. 9/2017 on Election to the National Parliament. Both recommendations are still relevant and adequate for presidential elections. One recommendation was in relation to simplifying the absentee ballot (*voto paralelo*) registration process. While the Law on Election to the National Parliament does not provide for absentee balloting, the 2023 bill to amend this law added the possibility for an absentee ballot and also simplified the process which would be administered directly by the STAE without intermediary institutions. The second recommendation called for removing legal prohibitions on the right to vote and to stand for persons with intellectual disabilities. This prohibition was revoked in the 2017 amendment to the Law on Election to the National Parliament.

The 2023 EU EEM validated the remaining 13 recommendations. The key recommendations offered by the 2022 EU EOM still hold and included the need to consolidate all electoral legislation into a consistent and unified Electoral Code; to undertake legal reform early in the electoral cycle; to consult the CNE when preparing the regulatory framework; to strengthen campaign finance oversight by giving the CNE a clear competency in this field; and to review campaign finance rules. Over the course of this mission, many interlocutors informed the EU EEM that there was now political will to work on electoral reform towards a unified Electoral Code.

No significant legal amendments were introduced between the 2022 presidential and 2023 legislative

elections, although there was a failed attempt to amend the Law on Election to the National Parliament already after the call for elections came out and only during the official campaign period the bill was eventually vetoed. The ideal period for undertaking electoral reform is between the municipal elections planned for early 2024 and the 2027 presidential polls. This period is sufficient to allow for political consensus building and to put in place amendments to the electoral legal framework in an ideal period of six to twelve months ahead of the beginning of an electoral process.

The recommendations offered in this report, in addition to those made by previous EU and other international and national election observation missions, can contribute to stakeholder debate. The Network of Jurisdictional Bodies and Electoral Administration of Portuguese-Speaking Countries (ROJAE-CPLP), with advisors from the Portuguese CNE, may also be a valuable source of support. The Commission for Electoral and Constitutional Reform at the National Parliament, with contributions from the Ministry for State Administration, the election management bodies and civil society, constitutes a multi-party political space for discussing and advancing meaningful electoral reforms that are shared by all stakeholders.

IV. Political Context

Peaceful elections held against the background of long-standing political rivalries.

On 21 May 2023, Timor-Leste held its fifth legislative elections since independence. Seventeen political parties competed for the 65-seat National Parliament.¹ Elections took place in a polarised environment with longstanding tensions between the two largest parties and main political rivals – *Frente Revolucionária de Timor-Leste Independente* (FRETILIN) led by Mari Alkatiri with a stronghold in the east of the country and *Congresso Nacional de Reconstrução de Timor* (CNRT) led by Xanana Gusmão with a stronghold in the west. High levels of stakeholder trust in the electoral authorities and the judiciary reinforced the credibility of the electoral process.

Following the 2018 snap legislative elections, a coalition of CNRT, *Partido Libertação Popular* (PLP), and *Partidu Kmanek Haburas Unidade Nasional Timor Oan* (KHUNTO) won a majority of seats. The President refused to accept Prime Minister Taur Matan Ruak's nomination of seven CNRT and two KHUNTO ministers. CNRT voted down the state budget proposed by the government of which it was part in early 2020. Following intense negotiations, in April 2020 a new government was formed by FRETILIN, PLP and KHUNTO, with FRETILIN replacing CNRT as the biggest party. As in past legislative elections, the new formation demonstrated the relevance of smaller parties as kingmakers in Timorese politics.²

The leading contenders in the 2023 polls included the main political forces with parliamentary representation – FRETILIN, CNRT, PLP, KHUNTO, PD, UDT, and PUDD. Other competitors included several parties that ran in the 2018 polls without winning a seat, and the newly registered

¹ 1) Partido do Desenvolvimento Nacional (PDN); 2) Partido da Liberdade do Povo de Aileba (PLPA); 3) Partido da Libertação Popular (PLP); 4) Partido Democrático (PD); 5) Enriquecer a Unidade Nacional dos Filhos de Timor (KHUNTO); 6) Partido Os Verdes de Timor (PVT); 7) União Democrática Timorese (UDT); 8) Partido da Unidade Desenvolvimento Democrático (PUDD); 9) Partido Republicano (PR); 10) União Democrática Nacional da Resistência Timorese (UNDERTIM); 11) Frente Revolucionária de Timor-Leste Independente (FRETILIN); 12) Congresso Nacional de Reconstrução de Timor (CNRT); 13) Centro Ação Social Democrata Timorese (CASDT); 14) Movimento Libertação do Povo Maubere (MLPM); 15) Partido da Socialista Timor (PST); 16) Partido Democrata Cristão (PDC); 17) Associação Popular da Monarquia Timorese (APMT).

² Ahead of the 2023 polls, the 65 seat National Parliament was composed of FRETILIN (23 seats), PLP (8 seats), and KHUNTO (5 seats) who formed the government. In the opposition were CNRT (21 seats), PD (5 seats), *União Democrática Timorese* – UDT (1 seat), *Partido Unidade Desenvolvimento Democrático* – PUDD (1 seat), and *Frenti-Mudança* – FM (1 seat).

Partido Os Verdes de Timor (PVT). While no formal pre-election coalitions were formed, the political forces comprising the current government (FRETILIN, KHUNTO, PLP) publicised an intention to align once again if electoral outcomes allowed. All seventeen parties complied with the requirement to place one woman for every three positions, but only the KHUNTO and *Centro Acção Social Democrata Timorese* (CASDT) candidate lists were headed by a woman.

The continuing emergence of martial and ritual arts groups into the political arena may be a defining element of Timorese politics. This was best symbolised by the success of KHUNTO in the 2018 polls taking five seats and, some critics would say, a number of key ministerial positions that was disproportionate to the party's electoral outcome. In the interim period, PVT emerged from the 7-7 martial and ritual arts group. During the campaign period and on several occasions, the President of the Republic, José Ramos-Horta, publicly criticised the politicisation of martial and ritual arts groups. In a thinly veiled reference to KHUNTO, the President stated that when called upon to swear in the new government, he would consider the suitability of political parties that might present themselves in an alliance. This was viewed by some as political interference to cut off any path to government for FRETILIN, and by others as a move to keep martial arts groups out of politics.

Protracted political disagreements in the lead up to the 21 May polls resulted in less oversight over the misuse of public resources during these elections. The non-appointment of a new head of the Anti-Corruption Commission (CAC) meant that while this parastatal institution was still functioning, it was not able to fully meet its mandate to monitor the misuse of public assets and unauthorised participation of civil servants in the election campaign. The main opposition would not support the government's nominee, which resulted in the CAC Commissioner and Deputy Commissioners leaving their post upon completion of their five-year mandate just ahead of the polls in April 2023. CAC permanent staff still performed their administrative duties and while not actively monitoring, they were still able to receive and investigate complaints. Ahead of election day they had seven cases under investigation, and if claims are substantiated they will be referred to the Public Prosecutor's Office.

Official election results showed that voters rejected the idea of continued governance by the FRETILIN-led coalition of Mari Alkatiri and opted for the return of resistance fighter Xanana Gusmão to lead the next government. The results gave CNRT 31 seats, FRETILIN 19, PD 6, KHUNTO 5, and PLP 4. As such, no single party won an absolute majority. It is likely that PD will join forces with CNRT to govern the country.

V. Legal Framework

Despite a few inconsistencies and lacunae, the electoral legal framework offers sufficient guarantees for democratic elections

A. Universal and Regional Principles and Commitments

As a member of the United Nations, Timor-Leste is a signatory and has ratified a series of international treaties for the protection of human rights and the guarantee of fundamental freedoms including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Convention on the Elimination of Racial Discrimination (ICERD), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and the Convention Against Corruption (UNCAC).³

³ Timor-Leste also signed the Convention on the Rights of the Child, the Convention Against Torture, and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

Since the 2022 polls, Timor-Leste ratified the Convention on the Rights of Persons with Disabilities (CRPD).

B. Constitutional Human Rights

The Constitution of the Democratic Republic of Timor-Leste incorporates fundamental democratic rights and guarantees non-discrimination on the basis of colour, race, gender, ethnic origin, language, political opinion, religion, education, or physical or mental conditions. Timor-Leste's Ombudsperson for Human Rights and Justice (*Provedoria dos Direitos Humanos e Justiça* – PDHJ) is the national body for the defence of fundamental human rights.

C. National Electoral Legislation

As assessed by previous EU missions to Timor-Leste, the legal framework provides a good basis for democratic, competitive and credible elections. Overall, the Timorese legal framework is in line with international obligations and allows for inclusive and transparent elections. Notwithstanding, the legal framework remains dispersed, incomplete and inconsistent.

Past EU missions identified inconsistencies and lacunae in the electoral legal framework. The framework is spread across a number of different laws that are not organised coherently, in part due to the successive *ad hoc* introduction of amendments to laws and regulations ahead of each election without conducting a systematic review of the laws. Examples of legal ambiguities include the vague scope of CNE oversight responsibility over campaign finance, voter registration, and media monitoring, and the lack of clarity on specifications regarding the design and symbols of the presidential ballot. Electoral legislation is passed in one of the official languages of the country, Portuguese, but is not systematically translated into Tetum.

Recommendation: Consolidate all electoral legislation into a consistent and unified Electoral Code, with accompanying electoral regulations, available in Portuguese and Tetum.

Late efforts to amend election laws did not constitute good legislative practice and risked creating uncertainty and diminished confidence in the legal framework. With only three months remaining before the 2023 polls, the parliament sent a bill for presidential promulgation to amend the Law No. 9/2017 on the Election of the National Parliament. Aspects of this bill would have brought Law No. 9/2017 in line with Law No. 15/2021 on the Election of the President, and the vote closer to the electorate. The amendment would have provided for parallel voting in Dili, allowing voters registered in another municipality to register to vote at one of three special polling centres in the capital. Moreover, and in line with a past EU recommendation, the registration process would have been streamlined to allow voters to register directly with STAE, without intermediary steps. The amendment also would have allowed voters with disabilities to be assisted by a person of their choice and introduced a Braille ballot template. More controversially, the amendment would have introduced postal voting for out-of-country voters. Given the short timeframe ahead of polls, it is uncertain the electoral authority would have had the capacity to introduce this method of voting.

On 14 March, the president vetoed the bill amending Law No. 9/2017 on the Election of the National Parliament. One week later, with 61 of the 65 members present, the parliament confirmed the amendment in a vote of 37 in favour, 22 opposed, and 2 abstentions. Article 88 of the Constitution requires that a parliamentary majority to overturn a presidential veto on an issue included in Article 95(2), such is the case with the Election Law, must be the higher of an absolute majority of all members (33) or a two-thirds majority of the members present for the vote (41). Despite the votes in favour (37) not reaching the required majority (41), and therefore the constitutional requirement, parliament returned the bill to the president, who once again vetoed the bill by letting the deadline

pass for approving the bill and signing it into law.

Recommendation: Undertake legal reform, including introduction of regulations, early enough in the electoral cycle to provide stakeholders time to understand and prepare for the new rules.

The third amendment to the Law on Election Administration Bodies approved on 28 July 2021 included the requirement for the CNE to be consulted by the government on draft regulations for the implementation of election laws. The government did not fully consult the CNE when preparing new regulations, as was the case with the draft government decrees which, if the bill had passed, would have regulated the Law on Election of the National Parliament.

Recommendation: Consult the CNE in a consistent and systematic manner when preparing the regulatory framework for elections.

As such, the electoral legal framework for the 2023 legislative polls is the same as that which was in place for the 2018 legislative polls. This comprises the Constitution, Law No. 9/2017 on the Election of the National Parliament, Law No. 16/2021 on the Election Administration Bodies, Law No. 2/2016 on Political Parties, Law No. 5/2014 on the Media, as well as various government decrees and new regulations on the registration of out-of-country voters and the national tabulation of results. Fourteen electoral crimes are described in the Penal Code and one in Law No. 9/2017 on Election of the National Parliament. Electoral offences are punishable with fines or prison sentences that vary from one to eight years.

D. The Electoral System

The 65 members of the National Parliament are elected in one national constituency through a closed-list, proportional representation system for a five-year term. There is a four per cent threshold for parties to access parliamentary seat allocation, and the D'Hondt highest average formula is used for the allocation of seats. The Prime Minister, appointed by the President on the recommendation of the party or alliance of parties with the majority of seats, is head of government. Since 2011 competing parties have been required to include one woman in every three candidates on party lists, which resulted in Timor-Leste having the highest number of women parliamentarians in the Asia-Pacific region, with 25 women members of parliament in each of the successive legislatures.

VI. Election Administration

Professional election management with timely and adequate preparations affirmed public trust in the electoral authorities.

A. Structure and Composition

The different phases of the electoral process are administered by distinct institutions. The National Elections Commission (CNE), an independent permanent body, is responsible for the supervision of the elections, and guarantees the respect of constitutional and legal principles; the Technical Secretariat for Electoral Administration (STAE), an autonomous body under the oversight of the Ministry of State Administration (MAE), is responsible for the organisation and implementation of elections, including the update of the voter register and out-of-country voting. The Court of Appeal conducts candidate registration, decides on election petitions and appeals, and verifies final election results.

Both electoral management bodies enjoy broad public confidence and conducted elections with a good degree of neutrality and impartiality. The CNE is viewed as trustworthy and responsible, while the STAE is regarded as a competent technical body with adequate capacity to conduct elections.

Almost all stakeholders met by the EU EEM expressed confidence in the management of the electoral process. The CNRT expressed overall confidence in the CNE's supervisory role, but accused the Ministry of State Administration of interference in the electoral process by allegedly forcing the STAE to contract FRETILIN militants in its municipal structures and as polling officials. No proof was offered to substantiate this allegation.

The CNE and STAE addressed concerns raised by political parties throughout the electoral process. An 'open door policy' allowed stakeholders access to the electoral management bodies at both central and municipal levels. CNE commissioners and the STAE Director-General participated in numerous informative electoral programmes broadcast by the public TV broadcaster, *Rádio-Televisão Timor-Leste* (RTTL).

B. The Administration of Elections

The Ministry of State Administration confirmed that the USD 10 million budget was sufficient to run the polls. Polling station lists and voter registration numbers, *per suco*,⁴ were published in the official gazette within the legal deadline of 30 days prior to election day. The STAE established a total of 1,850 polling stations (PS), a 23 per cent increase over the 2022 elections, and 1,472 polling centres (PC), including 12 for voting from abroad. The increase represents additional polling centres abroad and in remote locations to reduce the distance between communities and polling centres.

Following the Court of Appeal's draw for ballot paper positions, the STAE ordered the national printing house to print some 966,000 ballot papers. The production of ballots was concluded on time and with adequate measures in place to ensure the security of these sensitive materials.

In line with the electoral calendar, on 12 May the STAE delivered sensitive and non-sensitive election material to 13 municipalities, the Special Administrative Region of Oecuse-Ambeno (RAEOA), and to embassies and consulates in the diaspora. Before the final distribution of election material to polling stations, municipal STAE officers conducted a meticulous final verification of materials.

The STAE had a tested communication and cooperation strategy with authorities, civil society organisations, the Ombudsperson, the police and defence forces to ensure quick response to operational challenges. Areas of poor road conditions and limited access to some remote polling centres, especially in Baucau, Manufahi, Viqueque, were identified and access to these locations was undertaken by foot or horseback.

The increase of polling stations and centres compared to 2022 meant that the STAE had to recruit and train a total of some 20,000 poll workers, half of whom were women. Training included step-by-step explanations of voting and counting procedures, the set-up of the polling station, voting accessibility for Persons with Disabilities (PwD) and the elderly, responsibilities of security forces, and a mock ballot exercise. The CNE deployed some 2,000 supervisors countrywide, of which 40 percent were women, with a policy to employ youth to monitor the electoral campaign, voting and counting, transportation of election materials, and election day complaints.

In the newly created municipality of Ataúro, with 7,598 eligible voters, STAE indicated that a municipal office was operational to conduct the election. The employment and training of staff to conduct municipal tabulation for the first time was a priority for the electoral management.

Transparency in CNE decision-making and public communication was found unchanged from the 2022 election, with a satisfactory level of information sharing. The CNE published extraordinary plenary deliberations in the official gazette, but did not publish ordinary plenary deliberations. Information was published on the CNE Facebook page after each meeting to give an account of

⁴ *Sucos* constitute the smallest geographical voter registration and polling unit.

matters discussed at plenary meetings.

Recommendation: Publish all deliberations pertaining to the election process in the official gazette.

The CNE hosted candidate debates throughout the campaign period, including pre-recorded debates between party youth representatives (1-6 May), and a live debate between senior party leaders (16-18 May). Only one woman, representing the FRETILIN, participated in the live debate, all other party representatives were male. Also, the public broadcaster *Rádio-Televisão Timor-Leste* (RTTL) hosted debates between political party representatives providing free airtime to all 17 political parties on the ‘*Dalan ba Parlamentu*’ programme – on topics such as education, health, malnutrition, and economic diversification and employment.

While these elections were almost wholly organised and implemented by the electoral authorities, there was some international support to the process. With funding from the UNDP, STAE was able to improve some of its physical infrastructure, including warehouses and offices. The UNDP also assisted the STAE in procuring 10,000 indelible ink bottles from abroad. The training of trainers for poll workers was facilitated with UNDP assistance, with training focusing on the handling of sensitive materials. Similar to the 2022 polls, there was also support to the CNE on the electronic tabulation system. Some Public Service Announcements (PSA) targeting women, youth, and persons with disabilities were produced with the support of USAID and IFES and aired on the Timorese public broadcaster and disseminated online.

VII. Voter Register

Voter registration both at home and abroad ran smoothly, and a record 890,145 voters were registered.

A. The Right to Vote

According to the Constitution, voter registration is compulsory, active, individual and universal. To be eligible to vote, citizens must have reached the age of majority (17 years) and be included in the voter register. An update of the voter register is mandatory before each election. For presidential and legislative elections citizens living abroad are eligible to register and vote at embassies and consulates. Prisoners in pre-trial and those with convictions are eligible to vote, as are citizens in hospital during election day. Although the law does not disqualify citizens from registering to vote on the basis of mental disability, Government Decree No. 21/2017 prohibits persons who are “notoriously and publicly recognised” as mentally ill from entering polling stations. This highlights an incoherence between the regulatory framework and the Constitution and the specific law on legislative elections. Whereby the superior laws guarantee rights that a regulation seeks to restrict.

B. Voter Registration

A total of 890,145 voters were registered to vote in these elections, 11,800 of these were registered abroad. Timor-Leste uses an active voter registration system whereby electors apply to the STAE in their geographical area of residency to be included in the voter register. Electors are issued a voter card for identification at polling stations on election day. There were no challenges to the voter register.

Under responsibility of the STAE, the voter register was updated between 17 January and 31 March 2023, at all 452 *postos administrativos*, the smallest administrative unit, nationwide. The municipality of Dili has the highest number of registered voters at 187,462, followed by Baucau with 99,158, and Ermera with 85,358. Ataúro at 7,598 registered voters, has the smallest number of electors. As the voter registration exercise captures all citizens 16 years of age or older, the register contains some

3,441 citizens who did not turn 17 years of age on or before election day and were therefore not eligible to vote.

The number of registered voters increased 3.6 per cent since the 2022 polls, 51.94 per cent of registrants are men and 48.06 per cent are women. In all municipalities, including Ataúro and RAEOA, the numbers of registered men and women are fairly evenly split, with the lowest proportion of registered women in Aileu, Dili and Manufahi. An age breakdown of registration figures was not available.

Registration and updates for out-of-country voting (OCV) took place between 1 and 31 of March 2023, and was conditional on prior consular registration. The Timorese diaspora could register in four countries (Australia, South Korea, United Kingdom, and Portugal). Overall, men comprised 71 per cent of registered voters for OCV. Due in part to the addition of three new polling locations, one in the UK, one in South Korea, and one in Portugal, the number of registered voters for OCV increased by 66 per cent since the 2022 polls.

VIII. Registration of Political Parties and Candidates

In an inclusive and transparent process, seventeen candidate lists were approved, and three coalitions and two candidate lists were rejected.

A. Legal Framework

The registration of political parties, coalitions and candidates, under responsibility of the Court of Appeal, is regulated by the Constitution, Law No. 9/2017 on the Election of the National Parliament, Law No. 2/2016 on Political Parties, Law No. 16/2021 on the Election Administration Bodies, as well as various regulations.

The Court of Appeal holds the mandate to register political parties and screen parliamentary candidates for eligibility requirements. Two or more parties may form a coalition by notifying the CNE ten days before submitting its candidate list to the Court of Appeal. Government Decree No. 16/2017 regulates the submission of candidacies for the legislative elections.

The criteria for candidate eligibility for the legislative elections are in line with international obligations for democratic elections and include no discriminatory or excessive restrictions. Political parties must gather a minimum of 20,000 signatures of registered voters, with a minimum of 1,000 signatures originating from registered voters in each of the municipalities and from RAEOA. Political parties must be registered at least six months in advance of elections. A political party loses its legal status if it does not participate with its own programme in any election at local or national level for a period longer than five years.

Under Timor-Leste's closed-list, proportional representation system, the parties competing in the parliamentary elections were required to submit lists of 65 candidates plus an additional 25 reserve candidates. They also had to include one woman in every three candidates on their lists.

B. Admission of coalitions and candidacies

No coalitions were approved to compete in these elections. On 15 March, the Court of Appeal rejected three coalitions, that had previously been approved by the CNE and published by the STAE in the official gazette, reasoning that a political party in each of the coalitions had either not participated in an election during the previous five years or had not properly approved its participation in the coalition. The Court advised that party-members to the coalitions could still run as a single party if they submitted candidate lists that same day.

On 25 March, the Court approved 17 candidate lists, rejecting two lists presented by competing factions within the same party – *Frenti Mudança* – as the law does not allow a party to submit more than one list. Both factions were unsuccessful in appealing the Court decision. The Ricardo Cardoso-led faction subsequently declared support for CNRT, while the Egidio de Jesus-led faction threw its support behind PVT.

C. Publication of candidates lists

From 19 April, the start date of the election campaign period, STAE broadcasted on national radio and other media over three consecutive days the definitive list of the 1,530 admitted candidacies. Parties were allowed until up to 21 days before election day to make substitutions and finalise their lists, but there was no legal requirement for the final lists to be made public after this substitution period ended.

IX. Election Campaign and Pre-Election Environment

A. Election Campaign

Fundamental freedoms were well respected in a competitive environment where contestants were free to engage in political activities.

The 30-day electoral campaign was followed by a two-day campaign silence period. The CNE, as the supervisory body, verifies and ensures compliance with campaign rules and principles. Political party representatives provided the CNE with a calendar of activities that included campaign schedules and locations. Where there were overlapping activities, the CNE and parties found a solution. The CNE deployed trained monitors to observe campaign events throughout the country and report on infringements to the law.

The campaign demonstrated genuine competition among key contestants, in which the freedoms of expression, assembly, and association were well respected. Overall, the atmosphere was peaceful, with only a few skirmishes between supporters. An analysis of media reports revealed that the charismatic figure of CNRT's Xanana Gusmão consistently drew the largest rally crowds (4,500), followed closely by FRETILIN's troika represented in Mari Alkatiri, Francisco Guterres "Lú-Olo" and Tito da Costa Cristovão "Lere Anan Timur" (4,000). Gusmão was often joined on stage by CNRT Vice-President and Secretary General, and sometimes by Rogério Lobato, who has in the past supported FRETILIN, but this time around chose to put his weight behind CNRT. The FRETILIN troika usually shared the stage at rallies, but sometimes split their presence between simultaneous rallies.

CNRT and FRETILIN ran on similar political platforms, aimed at promoting education, employment and opportunities for youth. CNRT proposed to tackle social issues through private sector development, agricultural and rural initiatives, and investment in small businesses, whereas FRETILIN promoted its track record of governing the country. CNRT emphasised reducing corruption and increasing transparency in governance to stamp out partisanship within the civil service. FRETILIN's campaign saw the reintegration of retired General Lere in the hope to capture the 50,000 votes he balloted in the 2022 presidential polls. FRETILIN's youth movement was particularly active, organising days long events with regular door-to-door and mini-campaign events with music, poetry, and selfie frames.

PLP and PD rallies attracted equally substantial crowds (2,500). PLP events had the main stage presence of Prime Minister Taur Matan Ruak and interim party president Abrão Freitas, while speakers at PD rallies were the so-called new generation of leaders – Mariano Sabino Lopes

“Assanami,” António da Conceição, and Adriano Nascimento. PLP’s platform focused on social justice, reducing inequality, developing the economy and healthcare, while PD promised government stability and economic diversification to reduce dependency on oil.

The emergence into politics of martial and ritual arts groups was most visible in the political parties KHUNTO and PVT, known for their close association with the groups KORKA and 7-7, respectively. These parties attracted smaller but still sizeable crowds (2,000). Topping KHUNTO’s candidate list, Deputy Prime Minister Armanda Berta dos Santos and her husband and party leader, Naimori Bucar, were the main speakers at rallies, promoting economic development, social inclusion, and job creation. The few rallies held by PVT mostly featured party president Antonio Lela Huna who discussed social equality, the environment, economic development, and ‘green’ jobs.

As is normal practice in Timor-Leste, organisers regularly provided transport to participants and offered in-kind incentives during campaign events.

B. Campaign Finance

While a state subsidy for campaigning was a positive element, campaign finance remained largely under-regulated and lacked transparency and accountability.

The CNE is the responsible oversight body, but lacks a clear mandate to supervise political party and campaign finance.⁵ The CNE’s responsibilities in this field are briefly referred to in the Law No. 2/2016 on Political Parties, Law No. 6/2008 on Financing of Political Parties and in Government Decree No. 18/2017 Regulating the Electoral Campaign, but this mandate is not spelled out in the Law No. 16/2021 on the Election Administration Bodies.

Recommendation: Strengthen campaign finance oversight by giving the CNE a clear competency in this field and empower this body to take a more assertive and proactive role.

The legal framework for campaign finance is vague and incomplete. The law does not distinguish between contesting political parties with parliamentary representation and those without. This raises questions regarding the equality of opportunity, as political parties with parliamentary representation receive public funding that may be used as a source of campaign finance, contributing to structural and financial advantages over candidates running without political party support.⁶

There is a considerable lack of transparency, as gaps in the legislation include the absence of a clear definition of a donation, the absence of disclosure requirements for donors’ identities and all sources of financial income, and the lack of a requirement to report in-kind donations. With no ceilings on donor contributions nor on campaign expenditures, there results an uneven playing field between well-resourced and poorly resourced contestants.

The lack of transparency is compounded by shortcomings in accountability, including for public

⁵ The legal framework for political and campaign finance is disperse and requires consolidation. Relevant provisions can be found in the Law No. 2/2016 on Political Parties, the Law No. 9/2017 on the Election of the National Parliament, the Law No. 6/2008 on Financing of Political Parties, Government Decree No. 18/2017 Regulating the Electoral Campaign, and the Government Decree for fixing the value of campaign subsidies.

⁶ Law No. 6/2008 on Financing of Political Parties, Article 11.2, establishes that 50 per cent of the public funding for political parties shall be equally divided among all political parties with parliamentary representation, and 50 per cent shall be allocated according to proportional representation as achieved by the parties. The Court of Appeal (01/2008TR) ruled that the share based on proportionality is unconstitutional. Subsequently, the subvention has been provided as a fixed sum per representative, calculated as an equal share of the overall annual political party subvention. Since 2014, the available total per annum has been USD six million, resulting in an annual subsidy per member of parliament in the amount of USD 92,307.

funding. The legal framework does not contain uniform or proportionate sanctions for breaches of campaign finance provisions, and the CNE has no sanctioning authority to reinforce campaign finance reporting. Political parties are prompted to report more on campaign expenditures than on sources of funding; and reporting on advertising expenditures in traditional and social media is not requested.

The CNE must verify and publish political parties' financial reports on the electoral campaign, along with its opinion, in the official gazette. The CNE confirmed to the EU EEM that these reports were not published following the 2017, 2018, and second round 2022 polls, despite having received the political parties and contestants' finance reports.

Recommendation: Review campaign finance rules and reporting requirements to strengthen equality, transparency, and accountability in the electoral process.

Parliamentary parties are entitled to an annual state subsidy distributed according to the number of seats held. In the 2022 fiscal year some USD 6 million was allocated for this purpose. There is also public funding in the form of a campaign subsidy for candidates. This is positive in that it supports a broader electoral participation, but the framework lacks predictability with a wide potential pay gap. Based on Law No. 2/2016 on Political Parties, each candidate is entitled to receive a subsidy between USD 1 and 10 for each vote obtained. As a result, political parties must rely on their own funds and donations to cover campaign expenses, which appeared to be a challenge for the smaller parties with fewer resources.

The CNE, which is the responsible body to administer the annual subsidies for political parties, is not tasked to do the same in the case of campaign subsidies which are administered by the Ministry of Finance. Subsequently, the payment of these subsidies is not contingent on the accuracy of the parties' campaign finance reporting to CNE, raising additional questions on accountability. Decisions on the payment of these subsidies ultimately lie with the government after the elections, giving this procedure an arbitrary character.

Recommendation: Introduce more certainty and accountability into the allocation of campaign subsidies to be administered by CNE.

X. Citizen and International Election Observation

A strong presence of observers contributed to a transparent electoral process.

Some 2,430 national and 218 international observers accompanied the legislative elections. Most evaluated the process positively and highlighted the high participation rate. National observer groups included those that have been active over several electoral cycles in Timor-Leste, *inter alia*, the Catholic Church observers *OIPAS* (1,582), NGO forum *FONGTIL* (325), students resistance group *RENETIL* (259), disability organisation *RHTO* (34), *Belun* (21), *Fundasaun Mahain* (22), and *Fundasaun CAUCUS* (45). The Ombudsperson's Office for Human Rights and Justice (PDHJ) also fielded monitors on election day. In addition, the STAE accredited 6 international and 123 national journalists. Over 24,000 party agents were accredited to polling stations across the country.

Along with the EU EEM several international groups deployed observers, *inter alia*, a joint mission of the Australia East Timor Association and Victoria University, the International Institute for Democracy and Electoral Assistance (International IDEA), the Community of Portuguese Language Countries (CPLP), Asian Network for Free Elections (ANFREL), and G7+ group. The EU EEM and the International Foundation for Electoral Systems (IFES) both fielded a team of experts for a two-month period. In addition to the EU Delegation, the US, Australian, New Zealand, Japan, Philippines,

and Thailand Embassies participated in diplowatch exercises, with some deploying outside of Dili.

XI. Media and Elections

Measures are necessary for CNE to better fulfil its mandate to oversee the media's adherence to campaign principles.

A. Legal Framework

Media Legal Framework

Law No. 5/2014 on the Media provides an ample basis for freedom of expression and freedom of the press, and sets out the rights and obligations of journalists. The Constitution prohibits censorship, guarantees the right to privacy, and forbids concentration of media ownership. However, regulations in the Penal Code on defamation go against international standards on freedom of expression and could encourage self-censorship.

The draft Broadcasting Law No. 35/V(4), aimed at regulating establishment of radio and television stations, passed a first reading in April 2022. Subsequent to the President of the Republic requesting a preventive review of the bill, the Court of Appeal declared in March 2023 the unconstitutionality of two articles: one that banned radio and television operators to grant, for any reason, broadcasting space for political propaganda; and a second regarding the 'doctrinal' broadcasting activity in what concerns the use of the radio frequency spectrum. The Court considered that the radio frequency spectrum cannot only be open to doctrinal broadcasting activities, and that it must be guaranteed for other economic activities. Doctrinal broadcasting could make use, for example, of online radios. It recalled that the radio frequency spectrum is limited, and could, if the law was adopted, be used by all political parties.⁷

The Press Council (PC), the media self-regulatory and sanctioning body, is a respected body within the media community and is perceived as independent. The Press Council operated with limited resources to follow over 38 media outlets, including community radios. Monitoring focused on print and online news media, while broadcast media, both state and private, was monitored upon claims of misconduct or suspicion of bias.⁸

The CNE is required to verify public media compliance with campaign principles. Government Decree No. 18/2017 on the electoral campaign encompasses principles with which publicly owned media must comply, including freedom of electoral advertising, impartiality, and equal opportunity and treatment. Despite its responsibility to verify compliance, the CNE lacks sanctioning powers and may only issue warnings when irregularities are detected or call for the intervention of the competent authorities. In cases of repeated non-compliance, the CNE may start a criminal procedure for disobedience.

Recommendation: Further define measures, such as the authority to sanction, to enable the CNE to better fulfil its mandate to oversee the media's adherence to campaign principles, including equality of opportunity and treatment of all candidates.

B. Media Environment

Timor-Leste has a varied media landscape which allowed for diverse editorial policies and

⁷ A doctrinal radio already exists in Timor-Leste, namely *Rádio Televisão Maubere*, which is an official organ of the FRETILIN party.

⁸ Findings from the Press Council's media monitoring were not available at the time of EU EEM reporting.

programming. Operating licenses are extended to 5 TV stations, 17 community radios, some private radios, 8 daily newspapers, and 7 online media. The public broadcaster *Radio Televisão de Timor-Leste* TV, with a nation-wide coverage, is the most watched and trusted television channel. There is limited access to online news and to newspapers for 70 per cent of the population living outside urban areas.⁹ As of 2023, some 600 journalists are registered with the Press Council, with some 450 holding professional certification, out of which 157 are women. Despite the strong presence of media, EU EEM interlocutors shared their view that the media contribution lacked content diversity and meaningful analysis.

During and outside of electoral periods, the Press Council engages in training initiatives and monitors for breaches of the ethical code for journalists. For the 2023 polls, and with support of the government and the Australian Broadcasting Cooperation (ABC), the Press Council and Timor-Leste Journalists Association provided training on editorial independence, ethical guidelines, and campaign coverage. The training was extended to community radios across all municipalities. As community radios continue to be the most important source of information, the Press Council recommended increased support to improve their financial sustainability. The EU-funded Plan International election project partner, *Fundação Patria*, engaged community radios in four municipalities to train journalists on elections. The CNE and STAE engaged community radios to some degree in their efforts to disseminate voter education and civic information, and participated in radio shows on electoral issues.

Recommendation: Increase financial and technical support to community radios, while respecting their editorial independence, to enable them to better disseminate electoral information.

The electoral authority lacks a professional media monitoring methodology. To verify impartiality of media campaign coverage and equal opportunity and access to the public media for candidates, the CNE developed an online complaint form on campaign activities to be filed by CNE supervisors in the field. The form contained questions about the impartiality of official public information, equal access to public and private media, and allocation of free airtime. The CNE did not divulge the results obtained through this online platform.

The Press Council Media Electoral Reporting Guidelines¹⁰ specify that the news segments shall not broadcast political advertisements. According to the law, political advertisements require a disclaimer identifying these messages as free airtime (*direito de antena*). Interlocutors met by the EU EEM, including the Press Council, referred to a need to clearly differentiate between editorial and advertising content. This should be accomplished by identifying political advertising as such, and only broadcast it outside of the news segment.

Recommendation: Distinguish between editorial and advertising content by ensuring political advertising is clearly identified as such, and broadcast outside of the news segment.

C. Election-Related Online Content

Some 400,000 Timorese use social media, making it a potentially popular source to inform the electorate.¹¹ Out of the 17 competing political parties, 11 had social media presence. FRETILIN and

⁹ According to an October 2021 government survey, more than half the population used online and social media as a source of information, 26 per cent watched TV, 14 per cent radio, and only 4 percent read newspapers, which were mostly subscribed to by government agencies and administrative bodies.

¹⁰ *National Guidelines for Journalists and Media on Election Reporting* (2022), a manual developed by the National Press Council under the UNDP COVID-Resilient Elections in Timor-Leste (CORE-TL) project to facilitate the electoral cycle coverage.

¹¹ According to <https://datareportal.com> Timor-Leste has some 670,000 internet users; the Press Council reports that around 400,000 use social media.

CNRT had the strongest presence, with their official party Facebook pages attracting some 99,200 and 70,790 followers, respectively. Facebook was by far the most popular social media platform, but stories also circulated widely in closed WhatsApp groups.

FRETILIN-Timor-Leste official Facebook page had an average of 14 posts per day, with live campaign videos generating more interest than the photos documenting campaign supporters or party speech summaries. In addition to the official account, the party ran three other pages with a combined following of 31,600, and all with professional quality posts.¹² FRETILIN refrained from responding to insults directed at them by CNRT leaders and supporters. The FRETILIN programme for government was posted across its social media accounts.

CNRT Media Centre averaged 3-4 posts daily. Some posts focused on issues linked to the resistance struggle, while others mocked members of the coalition of parties making up the government. Few posts covered live videos of campaign events and rallies, but private media were used for live streaming of campaign activities. By far the most popular posts, and those that gained the most traction, were of Xanana Gusmão interacting with the elderly and children.

PD was active on Facebook with two official pages: *Lian Democrático* with 16,200 followers, and *Partido Democrático* with 10,800 followers, both with an average of 5-6 posts a day. Live videos of campaign activities or short clips of speeches by the party leader and candidate, Mariano Assanami, attracted limited interactions. During campaign speeches, and against campaign rules, Assanami sometimes mentioned the presence and support of elements of the martial and ritual arts groups at the event.

KHUNTO was present on Facebook with one main page, with 11,490 followers and an average of 6 posts a day. Posts were of a positive nature, with live campaign videos featuring Armanda Berta discussing government programmes. Interactions with live campaign videos averaged 200-300 likes, although the overall video production quality was poor. PLP Facebook page had some 48,330 followers, with an average of nine posts per day. The page promoted positive messages about the performance of Taur Matan Ruak's government. Campaign videos attracted some traction from viewers, averaging around 200 likes.

The comprehensive media monitoring undertaken by the 2022 EU EOM found that: *“Paid advertising on social media was used mostly by the lead candidates and with little transparency. Meta, the company that owns Facebook, classified the Timorese elections as low-risk and, in the absence of any engagement from the Timorese institutions, the platform's tools for safeguarding elections were not activated in Timor-Leste. As such, Meta's Facebook Ad Library did not display data about the budgets and audiences of political advertisements, a key measure to increase transparency of on-line campaign spending.”* The situation in 2023 appeared to be the same, with no engagement of national electoral authorities with social media platforms.

A new fact checking initiative was launched by the Press Council. Since the beginning of the project in 2021, some 140 journalists were trained to combat disinformation and false news in social media. With support from the Journalists Association, youth organisations, and universities, a fact-checking web-site was launched for the 2023 polls. This resulted in the review of a number of election-related stories circulating on the WhatsApp platform.

Recommendation: Engage in constructive dialogue with social media platforms to safeguard the online campaign environment, in terms of transparent paid political advertising and adequate mechanisms to address potential attempts at information manipulation.

¹² FRETILIN *Media Juventude*, FRETILIN *iha Parlamentu Nasional*, and *Juventude*, and FRETILIN *Lutar para Vencer*.

XII. Participation of Women

Efforts have improved the participation of women in politics, but gender equality in decision-making positions requires further actions.

The Constitution guarantees gender equality, and a one-in-three quota has improved gender representation in the National Parliament. Timor-Leste has ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Notwithstanding, women's groups agree that while advances have been made, patriarchal social and gender roles remain relevant and contribute to legitimising a secondary role for women.¹³

Efforts are being made to promote meaningful participation and representation of women in politics. In each successive government some increase in women's participation at the executive level has been noted, notably in assuming positions as members of government. In the eighth government from 2018-2023 there were seven women members of Government – three Ministers, one Vice-Prime Minister, two Vice-Ministers, and one Secretary of State.

Since 2011, Timor-Leste had the highest ratio of women parliamentarians in the Asia-Pacific region, with 25 women members of parliament in each of the successive legislatures. At the time of writing, it appeared that a total of 21 women would take up seats in the 65-seat National Parliament, a decrease of five seats compared to the previous legislatures. Only two parties, KHUNTO and CASDT, competed with a candidate list headed by a woman. The latter did not pass the threshold to access seat allocation. At the local level, a 30 per cent quota for women in municipal authorities aims at increasing political participation. Women are also represented on local *suco* councils.¹⁴

Women participate in all levels of the electoral administration, but are not strongly present in decision-making positions. There continues to be only one woman out of the seven commissioners at the CNE, and only two women directors run the 13 municipal and the RAEOA STAE offices. At STAE's head office, the three national directors are men, and four of the ten department heads are women. Women's presence in election administration is especially noticeable on election day, as half of all poll workers must be women. There are 48.06 per cent women registered as voters nationwide and in the diaspora, and women participated with 48.64 per cent of the turnout.

The National Strategy Programme – Strengthen Leadership and Women's Participation in Elections (2021-2025), in cooperation with the United Nations, the Secretariat of State for Equality and Inclusion, and the CNE, engages local women-led organisations in training, capacity development and promotes active participation in electoral processes. While such programmes are producing some successes, the capacity of women to achieve equality in the exercise of political power requires further actions.

Recommendation: Promote effective measures, such as introduction of a quota, for women to reach representation parity in all elected positions and party executive bodies.

¹³ In Timor-Leste domestic violence against women and girls is prevalent, constituting an additional deterrent for an inclusive participation of women in public life. Latest published data indicate that more than a third (38 per cent) of women have experienced physical/sexual intimate partner violence during their lifetime (Demographic and Health Survey 2016).

¹⁴ At the village level 319 women nominated themselves as candidates for Village Chief (*Chefe de suco*) in 2016 and 21 of them were elected. Law No. 9/2016 on Community Leaders (*Lei dos Sucos*) states that the presentation of candidacies for Village Chief and Sub-Village Chief must contain at least one woman, and the village council shall comprise one woman delegate and one woman youth representative. Source: Human Rights Council, Working Group on the Universal Periodic Review, 14th session (2022).

XIII. Participation of Persons with Disabilities

Greater efforts are required to promote the effective political participation of persons with disabilities.

Notwithstanding the principle of equal rights enshrined in the Constitution, persons with disabilities are still stigmatised and suffer social discrimination. Persons with disabilities are under-represented in elective bodies and their views are not sufficiently included in policy initiatives. In 2023, Timor-Leste ratified the Convention on the Rights of Person with Disabilities (CRPD). The coming challenge is domestication of this commitment into national laws.

The 2016 Demographic and Health Survey conducted by the Director General of Statistics, the Ministry of Planning and Finance and the Ministry of Health recorded 52,356 Timorese live with some kind of disability. This figure is much below World Health Organisation and World Bank estimates that persons with disabilities make up 15 per cent of the world's population. Applying this proportion there would be well over 175,000 persons with disabilities living in Timor-Leste. Human rights organisations successfully lobbied for the 2022 Census to collect more substantive disabilities information to allow for improved inclusion. At the time of writing, data from the census was not yet available.

Despite recommendations from disability organisations, no specific measures to facilitate active suffrage of persons with disabilities were introduced through law. In an effort to address this shortfall, the STAE invited the disability organisation *RHTO* to impart a one-hour training to polling station presidents. In practice, difficult physical access to polling stations constituted a barrier to political participation for many persons with disabilities. The political participation of persons with disabilities as candidates was almost absent, except for *Partido Os Verdes*, whose lead candidate was visually impaired.

Recommendation: Develop public outreach information, voting materials and equipment that are accessible to voters with disabilities.

XIV. Electoral Justice

A small number of formal complaints were lodged with the CNE, and a few electoral offences were under investigation by the Attorney General's Office.

The CNE has the authority to decide on electoral complaints filed by candidates during the different stages of the electoral process whereas the Supreme Court of Justice is the ultimate arbiter in electoral matters. The Court of Appeal stands in for the Supreme Court of Justice which has yet to be established.¹⁵ In addition to holding the function of registering political parties, the Court of Appeal screens legislative candidates for eligibility requirements and certifies final election results. Candidates and political parties considered the Court of Appeal to be impartial when adjudicating on electoral disputes.

The legal framework and regulations provide sufficient opportunity for electors and candidate representatives to lodge complaints and appeals during all stages of the electoral process, from voter and candidate registration through to certification of final results. The law provides for electoral petitions to the Court of Appeal against decisions of the electoral administration.

¹⁵ Since the 2022 EU EOM, Law No. 12/2022 on Organisation of the Judiciary was introduced and provides that the Supreme Court must be established before June 2025.

A handful of formal complaints were presented to the CNE, all of them in relation to minor campaign incidents. Irregularities were registered in Baucau and Manatuto where campaigning involved the use of symbols from martial and ritual arts groups in such a way so as to associate them with a political party. *Persandaaan Setia Hati Terate* and *Ikatan Kera Sakti* were issued warnings to desist with what the CNE considered an electoral crime. The CNE identified a few instances where political parties failed to respect the electoral campaign calendar, and requested they make efforts to liaise more closely with the local-level electoral authorities. Also, political parties were warned to not instrumentalise children for campaign purposes.

During the national tabulation, the CNE received four complaints, two were decided administratively and two sent to the Attorney General's Office for further investigation. Some 515 challenged ballots were reviewed by the CNE during national tabulation. Most challenges were in relation to candidate agents' non-conformity with decisions taken by poll workers on the validity of ballot papers. The CNE reviewed all challenged ballots in a transparent and efficient manner.

A few days after election day, the Spokesperson for the National Police of Timor-Leste (PNTL) reported that they registered 10 electoral crimes during the electoral process. These were mainly in Bobonaro and Dili. Throughout the campaign period, the CNE engaged in mediation and worked with police to solve minor election-related disputes between contestants.

The use of public assets such as premises, materials, vehicles, financial and human resources for the campaign is explicitly prohibited. With campaign oversight responsibilities, the Ombudsperson for Human Rights and Justice and the General Inspectorate deployed personnel to monitor for violations. While not fully functional, the Anti-Corruption Commission investigated some complaints. As in past elections, the misuse of state vehicles for campaign purposes was flagged as an issue.

Actions Taken by the Attorney General's Office

At the time of writing, some 17 electoral offences were registered by the Attorney General's Office. These were in relation to the campaign period, election day, and during the counting of votes. The Dili Office registered two cases related to illegal electoral campaign activity, the Viqueque Office registered five cases of illegal campaign activity, the Covalima Office registered one case related to electoral fraud, and the RAEOA Office registered seven cases of obstructing a candidature and two cases of obstructing freedom. All registered cases were under investigation, some with the assistance of the PNTL and the CAC.

XV. Polling, Counting, and Tabulation of Results

The two-member EU EEM was not mandated to undertake a systematic observation of election day activities, but did visit several polling centres across Dili and tabulation centres in Dili and Gleno. There was wide stakeholder acknowledgement that the electoral authorities conducted professional polling and counting processes within the required timeframe. Moreover, the fact that it is common practice in Timor-Leste for political parties and candidates to accept results, points to a strong level of confidence in the impartiality of the election management bodies.

A. Voting

Upon presentation of a voter card, electors could cast their ballot at any PS in the geographical unit of the *suco* where they were registered. In lieu of a voter card, a national ID card or passport could be presented. In all cases, the voter's name must appear on the voter register for that *suco*. As an added security measure, ballot papers were stamped and signed on the back before handing them over

to the voter. Voters right index fingers were marked with indelible ink after casting the ballot to prevent multiple voting. As good practice, visually or physically handicapped voters were given queuing preference and could exercise their right to vote accompanied by a voter of their choice. There is no data on the number of persons with disabilities registered to vote.

The CNE, in their supervisory capacity, clarified that despite isolated minor incidents, the election day took place in a calm and peaceful atmosphere. In a media interview, the STAE Director echoed this sentiment, adding that there were cases of polling stations running out of ballot papers, but that the electoral authority acted quickly to correct any shortfall. This was observed by the EU EEM in one visited PC in Dili.

B. Counting

Immediately following the close of polls, counting of ballot papers took place at each polling centre. Ballot boxes within a polling centre were mixed and the votes counted. Political party agents and national observers could follow the process. The legal framework provided that copies of the results were to be shared with party agents, and polling centre results forms posted outside each voting centre. Counting in the diaspora was completed at designated embassies and consulates, and results forms sent to the CNE by diplomatic courier within three days. The security of polling station perimeters was guaranteed by the presence of police officers. There were no incidents around counting centres reported by authorities.

C. Tabulation of Results

The STAE was responsible for municipal tabulation in all 13 municipalities and RAEOA. Municipal tabulation was concluded within the required 48-hour timeline from the close of polls. Tabulation of municipal results was based on polling centre results forms, and commenced once at least five polling centre results were delivered to municipal centres. Throughout the municipal tabulation, STAE announced progressive provisional results which were shared through state media broadcasts RTTL. The legal framework provides that provisional results were to be posted outside each tabulation centre, and duly signed copies provided to party agents. As good international practice, publication of all polling centre results forms on a centralised website would lend further transparency to the process.

With the conclusion of the municipal tabulation, the CNE undertook a national tabulation of polling centre results, which was independent from the tabulation undertaken by the STAE. The process followed straightforward procedures, and progressive results were available online and at the CNE national tabulation centre. Party agents, observers and media had access to all stages of the electoral process. Within the legal timeframe of six days, the CNE completed and published provisional national results.

On 1 June, following expiration of the 48-hour period to appeal against provisional national results, the CNE sent to the Court of Appeal the national and the diaspora results tabulation forms (*actas de apuramento*) with the precise statement that no appeal was filed.

XVI. Results and Post-Election Environment

Decisive vote for CNRT and substantial losses for FRETILIN and PLP.

On 6 June, the Court of Appeal validated and announced final results.

Xanana Gusmão's CNRT was the clear winner in the legislative polls, coming up just shy of an absolute majority. The CNRT polled 288,289 votes (41.63 per cent) which translated into 31 seats or

a 10-seat increase over its 2018 result. CNRT polled stronger than the combined votes for the three political forces constituting the current government. CNRT also won the diaspora vote. Polling second was FRETILIN with 178,338 votes (25.75 per cent) and 19 seats, representing a decline of 4 seats. FRETILIN only won in their traditional stronghold municipalities of Baucau, Lautém, and Viqueque.

Following the frontrunners were PD, KHUNTO, and PLP, obtaining 64,517 (9.32 per cent, 6 seats), 52,031 (7.51 per cent, 5 seats), and 40,720 (5.88 per cent, 4 seats), respectively. PLP's seat share since 2018 declined by half. The participation rate almost reached 80 per cent, and 48 per cent of voters were women. A total of 98 per cent of valid ballots were recorded. Twelve political parties obtained below four per cent, and as such were not eligible to access seat allocation. Only two of these, *Partido os Verdes de Timor* and *Partido Unidade e Desenvolvimento Democrático*, came close to passing the four per cent threshold. As such, the new parliament will have five party benches instead of the previous eight. (see Annex A – Final Election Results).

XVII. RECOMMENDATIONS (priority recommendations in bold)

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
LEGAL FRAMEWORK					
1	<p><i>The framework is spread across a number of different laws that are not organised coherently, in part due to the successive ad hoc introduction of amendments to laws and regulations ahead of each election without conducting a systematic review of the laws. Examples of legal ambiguities include the vague scope of CNE oversight responsibility over campaign finance, voter registration, and media monitoring, and the lack of clarity on specifications regarding the design and symbols of the presidential ballot. Electoral legislation is passed in one of the official languages of the country, Portuguese, but is not systematically translated into Tetum.</i></p> <p><i>(Final Report, page 6)</i></p>	<p>Consolidate all electoral legislation into a consistent and unified Electoral Code, with accompanying electoral regulations, available in Portuguese and Tetum.</p>	<p>Systematise the electoral laws into an Electoral Code and Regulations</p>	<p>National Parliament Participation and input from CNE and STAE</p>	<p><i>Transparency and access to information</i></p> <p><i>ICCPR, Art. 19(2): “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”</i></p> <p><i>UNCAC, Art. 13(1): “Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, [...] in the prevention of corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as: (b) Ensuring that the public has effective access to information.”</i></p> <p><i>Universal Periodic Review (2016): “Ensure that all legal documents, including legislation and draft legislation, are available in both Tetum and Portuguese” (recommendation accepted by Timor-Leste, 2017).</i></p>

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
2	<p><i>The third amendment to the Law on Election Administration Bodies approved on 28 July 2021 included the requirement for the CNE to be consulted by government on draft regulations for the implementation of election laws. The government did not fully consult the CNE when preparing new regulations, as was the case with the draft government decrees which, if the bill had passed, would have regulated the Law on Election of the National Parliament.</i></p> <p><i>(Final Report, page 7)</i></p>	<p>Consult the CNE in a consistent and systematic manner when preparing the regulatory framework for elections.</p>	<p>Requires implementation of Art. 8(1)(c) of Law No.16/2021 on Electoral Administration Bodies</p>	<p>Government</p>	<p><i>Rule of Law</i></p> <p><i>UNHRC, Resolution 19/36, para. 16(c): “States to make continuous efforts to strengthen the rule of law and promote democracy by: ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law, in order to avoid any arbitrariness.”</i></p>
3	<p><i>Late efforts to amend election laws did not constitute good legislative practice and risked creating uncertainty and diminished confidence in the legal framework. With only three months remaining before the 2023 polls, parliament sent a bill for presidential promulgation to amend the Law No. 9/2017 on the Election of the National Parliament.</i></p> <p><i>(Final Report, page 7)</i></p>	<p>Undertake legal reform, including introduction of regulations, early enough in the electoral cycle to provide stakeholders time to understand and prepare for the new rules.</p>	<p>Amendment to the electoral legal framework</p>	<p>National Parliament and Government</p>	<p><i>Rule of Law (Ensuring legal certainty and predictability)</i></p> <p><i>ICCPR, Art. 2(2): “Each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.”</i></p>
ELECTORAL ADMINISTRATION					
4	<p><i>Transparency in CNE decision-making and public communication was found unchanged from the 2022</i></p>	<p>Publish all deliberations pertaining to the election</p>	<p>Not required</p>	<p>CNE</p>	<p><i>Transparency and access to information</i></p> <p><i>Internal Regulation of the National Election Commission, 19 January 2017. Art.</i></p>

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
	<p><i>election, with satisfactory level of information sharing. Publication of all ordinary and extraordinary plenary deliberations in the official gazette could have been considered, contributing to further enhance transparency. Information was issued in a timely manner on CNE's media Facebook page after each meeting to give an account of matters discussed at plenary meetings.</i></p> <p><i>(Final Report, page 9)</i></p>	<p>process in the official gazette.</p>			<p><i>31(7) on Meetings of the CNE: "At the end of each meeting a press release is issued, with reference to discussed issues and deliberations taken."</i></p> <p><i>Art. 35, Publicity of CNE actions: "CNE deliberations are public documents, published in CNEs official site on internet"</i></p> <p><i>ICCPR Art. 2(2) (see above)</i></p>
CAMPAIGN FINANCE					
5	<p><i>The CNE is the responsible oversight body, but lacks a clear mandate to supervise political party and campaign finance. The CNE's responsibilities in this field are briefly referred to in the Law No. 2/2016 on Political Parties, Law No. 6/2008 on Financing of Political Parties and in Government Decree No. 18/2017 Regulating the Electoral Campaign, but this mandate is not spelled out in the Law No. 16/2021 on the Election Administration Bodies.</i></p> <p><i>(Final Report, page 12)</i></p>	<p>Strengthen campaign finance oversight by giving the CNE a clear competency in this field and empower this body to take a more assertive and proactive role.</p>	<p>Law No.16/2021 on Electoral Administration Bodies, Art. 8</p>	<p>National Parliament</p>	<p><i>Prevention of corruption / Fairness in the election campaign</i></p> <p><i>UNCAC, Art. 7(3): "Each State Party shall also consider taking appropriate legislative and administrative measures, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."</i></p>

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
6	<p><i>The legal framework for campaign finance is vague and incomplete. The law does not distinguish between contesting political parties with parliamentary representation and those without...</i></p> <p><i>There is a considerable lack of transparency, as gaps in the legislation include the absence of a clear definition of a donation, the absence of disclosure requirements for donors' identities and all sources of financial income, and the lack of a requirement to report in-kind donations. With no ceilings on donor contributions nor on campaign expenditures, there results an uneven playing field between well-resourced and poorly-resourced contestants. The legal framework does not contain uniform and appropriate sanctions for breaches of the law.</i></p> <p><i>(Final Report, page 13)</i></p>	<p>Review campaign finance rules and reporting requirements to strengthen equality, transparency, and accountability in the electoral process.</p>	<p>Law No. 2/2016 on Political Parties, Arts. 21-28</p> <p>Law No.9/2017 on the Election of the National Parliament</p> <p>Law No. 6/2008 on Financing of Political Parties</p> <p>Government Decree No. 18/2017 Regulating the Electoral Campaign</p>	<p>National Parliament</p> <p>Government</p>	<p><i>Prevention of corruption / Fairness in the election campaign; State must take the necessary steps to give effect to rights</i></p> <p><i>UNCAC, Art. 7(3): "Each State Party shall also consider taking appropriate legislative and administrative measures, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."</i></p> <p><i>UNCAC, Art. 7(4): "Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest."</i></p> <p><i>UNHRC, General Comment 25: "Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party."</i></p>
7	<p><i>There is also public funding in the form of a campaign subsidy for candidates. This is positive in that it supports a broader electoral participation, but the framework lacks predictability with a wide</i></p>	<p>Introduce more certainty and accountability into the allocation of campaign subsidies to be administered by CNE.</p>	<p>Law No. 2/2016 on Political Parties, Art. 16g</p> <p>Law No.9/2017 on Election of</p>	<p>National Parliament</p> <p>Government</p>	<p><i>Prevention of corruption / Fairness in the election campaign</i></p> <p><i>UNHRC, General Comment 25: "Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not</i></p>

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
	<p><i>potential pay gap. Based on Law No. 2/2016 on Political Parties, each candidate is entitled to receive a subsidy between USD 1 and 10 for each vote obtained. As a result, political parties must rely on their own funds and donations to cover campaign expenses, which appeared to be a challenge for the smaller parties with fewer resources... Decisions on the payment of these subsidies ultimately lie with the government after the elections, giving this procedure an arbitrary character.</i></p> <p><i>(Final Report, page 13)</i></p>		<p>the National Parliament</p> <p>Law No. 6/2008 on Financing of Political Parties Art. 4(4) and 11</p> <p>Government Decree No. 18/2017 Regulating the Electoral Campaign</p> <p>Government Decree fixing the value of the campaign subsidy</p>		<p><i>undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party."</i></p> <p><i>UNCAC, Art. 7(3): "Each State Party shall also consider taking appropriate legislative and administrative measures, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."</i></p> <p><i>UNCAC, Art. 7(4): "Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest."</i></p>
MEDIA					
8	<p><i>The CNE is required to verify public media compliance with campaign principles. Government Decree No. 18/2017 on the electoral campaign encompasses principles with which publicly owned media must comply, including freedom of electoral advertising, impartiality, and equal opportunity and treatment. Despite its responsibility to verify compliance, the</i></p>	<p>Further define measures, such as the authority to sanction, to enable the CNE to better fulfil its mandate to oversee the media's adherence to campaign principles, including equality of</p>	<p>Law No.9/2017 on the Election of the National Parliament</p> <p>Government Decree No. 18/2017 Regulating the Electoral</p>	<p>National Parliament Government</p>	<p><i>Fairness in the election campaign</i></p> <p><i>ICCPR Art. 19(2): "Everyone shall have the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and seek, receive, and impart information through any media and regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."</i></p>

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	<p><i>CNE lacks sanctioning powers and may only issue warnings when irregularities are detected or call for the intervention of the competent authorities. In cases of repeated non-compliance, the CNE may start a criminal procedure for disobedience.</i></p> <p><i>(Final Report, page 15)</i></p>	<p>opportunity and treatment of all candidates.</p>	<p>Campaign</p>		
<p>9</p>	<p><i>As community radios continue to be the most important source of information, the Press Council recommends increased support to improve their financial sustainability. EU-funded Plan International election project partner, Fundação Patria, engaged community radios in four municipalities to train journalists on elections. The CNE and STAE engaged community radios to some degree in their efforts to disseminate voter education and civic information, and participated in radio shows on electoral issues.</i></p> <p><i>(Final Report, page 15)</i></p>	<p>Increase financial and technical support to community radios, while respecting their editorial independence, to enable them to better disseminate electoral information.</p>	<p>Not required</p>	<p>Government</p>	<p><i>Transparency and access to information</i></p> <p><i>ICCPR Art. 19(2): "Everyone shall have the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and seek, receive, and impart information through any media and regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."</i></p>
<p>10</p>	<p><i>The Media Electoral Reporting Guidelines specify that the news segments shall not broadcast political</i></p>	<p>Distinguish between editorial and advertising content by</p>	<p>Not required</p>	<p>RTTL</p>	<p><i>Transparency and access to information</i></p>

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	<p><i>advertisements. According to the law, political advertisements require a disclaimer identifying these messages as free airtime (direito de antena). Interlocutors met by the EU EEM, including the Press Council, referred to a need to clearly differentiate between editorial and advertising content. This should be accomplished by identifying political advertising as such, and only broadcast it outside of the news segment.</i></p> <p><i>(Final Report, page 16)</i></p>	<p>ensuring political advertising is clearly identified as such, and broadcast outside of the news segment.</p>			<p><i>ICCPR Art. 19(2): “Everyone shall have the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and seek, receive, and impart information through any media and regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”</i></p> <p><i>Media Law 2014, Art. 33(3): “Insertion of advertising materials in the media cannot undermine its editorial independence.”</i></p> <p><i>Electoral Reporting Guidelines for Journalists and the Media, issued by the Government of Timor-Leste and the Press Council with the support of UNDP and the Government of Japan, Guideline 5: “The media have the right to include political advertisements on their information channels; their journalists and news presenters shall not directly promote information about political parties or candidates. Moreover, the news segment shall not broadcast political advertisements.”</i></p>
SOCIAL MEDIA					

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
11	<p><i>The comprehensive media monitoring undertaken by the 2022 EU EOM found that, “Paid advertising on social media was used mostly by the lead candidates and with little transparency. Meta, the company that owns Facebook, classified the Timorese elections as low-risk and, in the absence of any engagement from the Timorese institutions, the platform’s tools for safeguarding elections were not activated in Timor-Leste. As such, Meta’s Facebook Ad Library did not display data about the budgets and audiences of political advertisements, a key measure to increase transparency of on-line campaign spending.” The situation in 2023 appeared to be the same, with no engagement of national electoral authorities with social media platforms.</i></p> <p><i>(Final Report, page 17)</i></p>	<p>Engage in constructive dialogue with social media platforms to safeguard the online campaign environment, in terms of transparent paid political advertising and adequate mechanisms to address potential attempts at information manipulation.</p>	Not required	CNE SECOM	<p><i>Fairness in the election campaign</i></p> <p><i>ICCPR, GC 25, para. 19: “Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.”</i></p> <p><i>UNCAC, Art. 7(3): “Each State Party shall also consider taking appropriate legislative and administrative measures, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.”</i></p> <p><i>UNCAC, Art. 7(4): “Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.”</i></p> <p><i>UN, OAS, OSCE Joint Declaration on Freedom of Expression and Elections In the Digital Age: “Access to Information Relating to Elections: ii) Parties and candidates should be required to be transparent in a timely fashion, including to the media,</i></p>

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					<p><i>regarding their spending on elections and, in particular, spending on legacy and digital media, and other digital communications efforts.”</i></p> <p><i>UN, OAS, OSCE Joint Declaration on Freedom of Expression and Elections In the Digital Age: “States should consider supporting positive measures to address online disinformation, such as the promotion of independent fact-checking mechanisms and public education campaigns, while avoiding adopting rules criminalising disinformation.”</i></p>
PARTICIPATION OF WOMEN					
12	<p><i>The Constitution guarantees gender equality, and a one-in-three quota has improved gender representation in the National Parliament. Timor-Leste has ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Notwithstanding, women groups agree that while advances have been made, patriarchal social and gender roles remain relevant and contribute to legitimising a secondary</i></p>	<p>Promote effective measures, such as introduction of a quota, for women to reach representation parity in elected positions and party executive bodies.</p>	<p>Law No. 2/2016 on Political Parties Regulation on Commissions of the National Parliament</p>	<p>National Parliament Political parties</p>	<p><i>Women’s participation in public affairs; State must take the necessary steps to give effect to rights</i></p> <p><i>CEDAW Art. 4(1). “Adoption by States Parties of temporary special measures aimed at accelerating the facto equality between men and women shall not be considered discrimination [...].”</i></p> <p><i>CEDAW Art. 7: “State Parties shall take all appropriate measures to eliminate discrimination against women in the</i></p>

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
	<p><i>role for women.</i></p> <p><i>The National Strategy Programme - Strengthen Leadership and Women's Participation in Elections (2021-2025), in cooperation with the UN, Secretariat of State for Equality and Inclusion, and the CNE, engages local women-led organisations in training, capacity development and promotes active participation in electoral processes. While such programmes are producing some successes, the capacity of women to achieve equality in the exercise of political power requires further actions.</i></p> <p><i>(Final Report, page 18)</i></p>				<p><i>political and public life of the country [...].”</i></p> <p><i>ICCPR Art.3: “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant”.</i></p> <p><i>UN General Assembly Resolution 66/130 on Women and Political Participation.</i></p>
PARTICIPATION OF PERSONS WITH DISABILITIES					
13	<p><i>Despite recommendations from disability organisations, no specific measures to facilitate active suffrage of persons with disabilities were introduced through law. In an effort to address this shortfall, the STAE invited the disability organisation RHTO to impart a one-hour training to polling station presidents. In practice, difficult physical access to polling stations</i></p>	<p><i>Develop public outreach information, voting materials and equipment that are accessible to voters with disabilities.</i></p>	<p><i>Election Laws</i></p>	<p><i>National Parliament</i></p> <p><i>CNE</i></p> <p><i>STAE</i></p>	<p><i>Right and opportunity to participate in public affairs and hold office; State must take the necessary steps to give effect to rights</i></p> <p><i>ICCPR, Art. 26: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law [...].”</i></p> <p><i>The United Nations Convention on the Rights of Persons with Disabilities</i></p>

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
	<p><i>constituted a barrier to political participation for many persons with disabilities.</i></p> <p><i>(Final Report, page 18)</i></p>				<p><i>(CRPD), Art. 29: “States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:</i></p> <p><i>a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia by:</i></p> <p><i>i. Ensuring that voting procedures, facilities and materials are appropriate, accessible, and easy to understand and use; ii. Protecting the right of persons with disabilities to vote by secret ballot [...] iii. Guaranteeing the free expression of will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;</i></p> <p><i>Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the</i></p>

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
					<i>ASEAN Community.</i>

Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

Convention on the Rights of Persons with Disabilities (CPRD)

International Covenant on Civil and Political Rights (ICCPR)

The *United Nations Convention against Corruption* (UNCAC)

United Nations Human Rights Council (UNHRC)

XVIII. Annex A – Final Election Results**Final Results
Parliamentary Elections, 21 May 2023**

Total number of tallied results forms	1,472 (100.00%)
Total number of registered voters:	890,145
Total number of voters:	705,693 of which 343,278 (48.64%) women, 362,415 (51.36%) men
Participation rate	79.28%
Total valid ballots	692,521 (98.13%)
Total abandoned ballots	26
Total invalid ballots	10,387 (1.47%)
Total blank ballots	2,698 (0.38%)
Total challenged ballots	0 (0.00%)
Total rejected ballots	61 (0.01%)

Political Party	Votes
1 – PDN	597 (0.1%)
2 – PLPA	3,272 (0.5%)
3 – PLP	40,720 (5.9%)
4 – PD	64,517 (9.3%)
5 – KHUNTO	52,031 (7.5%)
6 – PVT	25,106 (3.6%)
7 – UDT	1,256 (0.2%)
8 – PUDD	21,647 (3.1%)
9 – PR	1,558 (0.2%)
10 – UNDERTIM	1,023 (0.1%)
11 – FRETILIN	178,338 (25.8%)
12 – CNRT	288,289 (41.6%)
13 – CASDT	3,170 (0.5%)
14 – MLPM	642 (0.1%)
15 – PST	2,415 (0.3%)
16 – PDC	1,262 (0.2%)
17 – APMT	6,678 (1.0%)

